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November 25, 2013

VIA ECF

Hon. Thomas J. McAvoy
United States District Court
Northern District of New York
James T. Foley Courthouse
445 Broadway
Albany, NY 12207

Re: *Marissa Angelique Fournier v. Bank of America Corporation, et al.*,
Case No. 13-cv-00702 (TJM) (ATB)

Dear Judge McAvoy:

This firm represents Bank of America Corporation and Bank of America, N.A., for itself and as successor by merger to BAC Home Loans Servicing, LP, sued herein as BOA Home Loan Servicing, LP (collectively “Defendants”) in the action referenced above. On September 5, 2013, Defendants filed a motion to dismiss this action in its entirety. On October 16, 2013, after Defendants’ motion had been marked submitted, Plaintiff requested an extension of time to oppose the motion. By Order dated October 18, 2013, Plaintiff was provided five weeks, until November 22, 2013 to submit opposition to Defendants’ motion.

On November 22, 2013, Plaintiff did file opposition to Defendants’ motion to dismiss, which is also titled as a cross-motion for a temporary injunction or restraining order. Defendants’ reply papers in support of their motion to dismiss and in opposition to Plaintiff’s cross-motion are currently due on November 29, 2013 and the motion is scheduled to be heard on the Court’s December 9, 2013 motion calendar in Albany.

Defendants respectfully request additional time to prepare and submit opposition to Plaintiff’s cross-motion and reply papers in further support of their motion to dismiss and that the motion be placed on Your Honor’s January 13, 2014 motion calendar in Albany. Defendants also request that the motion be considered on submission.

Defendants’ request for this extension of time is necessitated by the schedule’s interplay with the Thanksgiving holiday. We note too that Plaintiff has now cross-moved in the extended period of time she was provided to submit her opposition to the motion. Defendants have made no prior application for this relief.

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Thank you for your consideration.

Respectfully submitted,



Scott H. Kaiser

cc.: Marissa Angelique Fournier (*pro se* Plaintiff) (via U.S. mail)